

PUBLIC WORKS, STREETS, SEWERS AND AIRPORTS

Title 15

PUBLIC WORKS, STREETS, SEWERS AND AIRPORTS¹

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CHAPTER I. IN GENERAL

Sec. 15.1. Authority of city relative to public works, streets and airports generally.

¹**Cross references**-General authority over streets and sidewalks, § 2.1(7); general authority over bridges, culverts, sewers and gutters, § 2.1(8); general authority to provide for lighting of streets, § 2.1(9); public improvements and buildings to be approved by planning commission, § 12.6.

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Said City of Chattanooga shall have full control, authority and power over all streets, alleys, sidewalks and sewers, and the building, altering, repairing, cleaning and improving the same, including the power to fix and change the grades of all streets, alleys, sidewalks and sewers, to determine their width, size, location and grade, and to order and enforce by law the grading, laying down, repairing and cleaning of sidewalks by the owners of abutting property, and to procure for the benefit of said city, by condemnation in the name of the city council, as now provided by law for such condemnation proceedings by purchase or otherwise, as now provided by law, any and all necessary property for widening or extending streets, and for enlarging and extending sewers when necessary to do so.

Said council shall also have the absolute control of the expenditure of all moneys and funds arising from taxation or any other source, for street and sewer purposes; and the mayor shall also have control and management over all gangs, forces or individuals condemned to, or in any way placed on street or sewer work by conviction and judgment of any court or order or judgment of any court or order or judgment of any other lawful authority; and over all scavenger and street cleaning forces. (Pub. Acts 2nd Sess. 1890, Ch. 1, § 8; Priv. Acts 1911, Ch. 10, §§ 13, 17, 20)

(Paragraphs 3 and 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388).

Sec. 15.2. Authority to establish, operate airports.

The City of Chattanooga, Tennessee, is hereby empowered in its corporate capacity to establish, construct, equip, maintain and operate an airport for the use of aeroplanes and other aircraft, and may through its city council lease or acquire real property for such use either within or without the corporate limits of said city.

The city council of the said city are hereby authorized to acquire in the name of the said city all necessary property for airports or landing fields, and parks or parkways, either within or without the corporate limits of said city, by purchase or by condemnation proceedings as now provided by law for the condemnation of property for school sites and street purposes by municipalities. (Priv. Acts 1929, Ch. 2, §§ 2, 3)

(Paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388).

Sec. 15.3. Adjustment of assessments for public improvements.

The city council of the City of Chattanooga is hereby authorized and empowered to adjust assessments heretofore or hereafter made for public improvements where, in the opinion of said council, on account of changed conditions the assessments are materially in excess of the benefits which have accrued to the property so assessed. Provided, however, that the person applying for an adjustment shall agree to pay promptly the installment assessments after such adjustment shall have been made. (Priv. Acts 1935, Ch. 647, § 8)

(Paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388).

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Sec. 15.4. New assessments when original assessment declared invalid.

If any assessment heretofore or hereafter made by said city of property, or any special assessment made pursuant to any improvement act shall be declared invalid by a court of competent jurisdiction the city council are hereby empowered to make a new assessment on property for the year, or years, so declared to be invalid and shall adopt the assessment made by the tax assessor of Hamilton County, Tennessee, as the assessment of said property by said city. The reassessment of improvement assessments shall be made as provided in the Improvement Act authorizing the original assessment. (Priv. Acts 1935, Ch. 647, § 9)

(Paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388).

Sec. 15.5. Reserved.

(Ord. No. 11013, § 1, 5-9-00)

Sec. 15.6. Negotiations with lowest responsible bidder for work to be done on cost-plus, etc., basis.

After bids have been advertised and received for making any public improvement the mayor may negotiate with the lowest responsible bidder to have such bidder make such public improvement by force account or on a cost-plus basis, if, in the opinion of the mayor, the making of such agreement is advantageous to the city, and such agreement shall be in writing and approved by the city council. (Priv. Acts 1949, Ch. 607, § 3)

(Paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388).

Sec. 15.7. City authorized to condemn property of railroads and other corporations for street, etc., widening purposes.

The city council of the City of Chattanooga are hereby specifically authorized and empowered to condemn and take the property, buildings, privileges, rights and easements, etc., of railway companies, or other corporations, their lessees, trustees and receivers, and any other person, firm or corporation that may be in possession of, using or controlling all or any part of the rights-of-way and properties of such railway companies or other corporations, and to condemn and acquire other property for the purpose of relocating tracks, buildings and other structures of such railway companies or other corporations, all in the manner and mode and upon the terms provided in sections 3397 to 3401 of the Code of Tennessee for the year 1932 [T.C.A. §§ 7-31-108--7-31-111], when it is necessary that the property of such railway companies or other corporations be acquired in order to widen any street, alley or sidewalk within the corporate limits of the City of Chattanooga. (Priv. Acts 1947, Ch. 548, § 2)

(Paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388).

Sec. 15.8. Authority of water company to contract for collection of sewer charges.

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Chapter No. 91, Public Acts of Tennessee of 1867 and 1868, entitled as set out in the caption hereof, be, and the same is hereby amended so as to authorize the City Water Company of Chattanooga (successor to the Chattanooga Water Company) and its successors and assigns, to enter into contracts with the City of Chattanooga, or other public agency owning and operating a sewerage system, to bill and collect sewer service charges as an added designated item on its water service bills, or otherwise, and to contract with the City of Chattanooga, or other public agency, not to accept payment of water service charges without the simultaneous payment of sewer service charges, and to discontinue water service to sewer users who fail and refuse to pay sewer service charges, and not to re-establish water service until such time as sewer service charges due have been paid. (Priv. Acts 1951, Ch. 249, § 1)

Editor's note-Public Acts 1867-68, Ch. 91, which is not set out in this compilation, is the act chartering the Chattanooga Water Company.

Cross reference-Authority of city to enter into contracts with water company for collection of sewer charges, § 15.20(m).

Secs. 15.9 -- 15.18. Reserved.

CHAPTER II. SEWERAGE SYSTEM

Sec. 15.19. Definitions.

The following terms, wherever used or referred to in this Act [chapter], shall have the following meaning, unless a different meaning appears from the context:

- (a) The term "city" shall mean the City of Chattanooga, Tennessee.
- (b) The term "board" shall mean the city council of the City of Chattanooga, Tennessee.
- (c) The term "federal agency" shall include the United States of America, the President of the United States of America, the Reconstruction finance Corporation, or any other agency, instrumentality or corporation of the United States of America which has heretofore been or may hereafter be designated, created or authorized by or pursuant to any Act of Congress of the United States of America to make allowances or grants to municipalities.
- (d) The term "sewerage system" shall be construed to include all or any part of the following: The collecting system, intercepting and out-fall sewers, pumping facilities, and treatment, purification and disposal plants, the disposition of sewage and industrial waste. (Priv. Acts 1949, Ch. 602, § 2)
(Paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388).

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Sec. 15.20. Powers of city generally.

The city, acting by and through its board, shall have power, and is hereby authorized to:

(a) Construct a sewerage system within or partially within and partially without the corporate limits of the city.

(b) Operate and maintain a sewerage system for its own purposes or for the benefit and use of its inhabitants, and also to operate and maintain such sewerage system for the benefit and use of persons, firms and corporations within the corporate limits of the city, and persons, firms and corporations, including municipal corporations, which are situated or whose residence or places of business are situated outside the corporate limits of the city but within Hamilton County, Tennessee, and within a radius of twenty (20) miles from the corporate limits of the city.

(c) Contract with the City of Rossville, Georgia, to jointly construct and operate a sewerage system, and to agree with said city for the apportionment of the construction and operating cost between the two (2) municipalities.

(d) Contract with Hamilton County, Tennessee, or any county adjacent to the city located in another state, for the furnishing of sewerage service to the county or to the inhabitants thereof where by furnishing such service the public health of the city will be protected and stream pollution eliminated.

(e) Accept from any federal agency or from the State of Tennessee or any agency of said state grants for or in aid of the construction of a sewerage system.

(f) Contract debts for the construction of a sewerage system; to borrow money and to issue its bonds to finance such construction, and to provide for the rights of the holders of the bonds, and to secure the bonds as hereinafter provided.

(g) Fix, levy and collect fees, rents, tolls or other charges for connecting to and for the use of the sewerage system, including the use for industrial waste.

(h) Acquire, by purchase or the exercise of the right of eminent domain, any property or easements or other right or interest in property necessary for the construction, reconstruction, extension or enlargement of a sewerage system whether such property be within or without the city or partially within and partially without the city.

(i) Make contracts and execute instruments containing such terms, provisions and conditions as in the discretion of the board may be necessary, proper or advisable for the purpose of obtaining a grant, loan or other financial assistance from any federal agency or from the State of Tennessee by virtue of any Act of Congress or Act of the Legislature of

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Tennessee; to make all contracts and execute all other instruments necessary, proper or advisable in or for the furtherance of the construction of the sewerage system.

(j) Enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations in or for the furtherance of the construction of a sewerage system.

(k) Require the owner, tenant or occupant of each lot or parcel of land which abuts upon a street or other public way containing a sanitary sewer upon which lot or parcel a building exists for residential, commercial or industrial use to connect such building with such sanitary sewer and to cease to use any other means for the disposal of sewage, sewage waste or other polluting matter.

(l) Require the owner, tenant or occupant of each lot or parcel of land who is obligated to pay the charges made for the service furnished by the sewerage system to make a reasonable deposit in advance to insure the payment of such charges.

(m) Contract with the city water company of Chattanooga, its successors and assigns, for the billing and collection from each water user as an added and designated item on its water service bill the sewer service charges of the city, and to contract with said water company for it not to accept payment of water service charges without payment of the city sewer service charge, and for the company to discontinue water service to users who fail and refuse to pay sewer service charges, and not to re-establish water service until such time as sewer service charges due have been paid.

Cross reference-Authority of water company to contract for collection of sewer charges, § 15.8.

(n) Employ engineers, superintendents and other employees for the operation and maintenance of the sewerage system.

(o) Perform any acts authorized under this Act [chapter] through or by means of its own officers, agents and employees or by contracts with private corporations, firms or individuals.

(p) Do all acts and things necessary convenient to carry out the powers expressly given in this Act [chapter]. (Priv. Acts 1949, Ch. 602, § 3; Priv. Acts 1951, Ch. 230, § 1)

Sec. 15.21. Proceeds from bonds, rents, fees, etc., to be deposited in separate account in city's name.

All proceeds received from the sale of bonds issued under this Act [chapter] and all fees, rents, tolls, or other charges received by the city from the operation of the sewerage system, and all monies received from any federal agency or the State of Tennessee or state agency shall be paid to the city treasurer, who shall not commingle any money so received

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with any other monies of the city, but the monies received shall be deposited in a separate bank account, or accounts, in the name of the city. (Priv. Acts 1949, Ch. 602, § 4)

Sec. 15.22. Election required prior to issuance of bonds.

The bonds herein authorized shall not be issued nor sold unless there first shall have been held an election to ascertain the will of the voters of the city respecting the issuance of said bonds and a majority of the legal votes cast at such election shall be in favor of the issuance of the bonds proposed to be issued. The board may, at any time after the passage and approval of this Act [chapter], adopt a resolution fixing the amount of bonds to be issued, and the date for such election, and on such date the election commissioners of Hamilton County shall hold an election at the regular voting precincts in the city, and shall name and designate the officials of said election, and shall call said election in the way and manner general municipal elections are called. All persons qualified to vote for mayor and commissioners shall prepare ballots for each ward and precinct, on which shall be printed the words:

"FOR THE ISSUANCE OF SEWER REVENUE BONDS"

"AGAINST THE ISSUANCE OF SEWER REVENUE BONDS"

and voters shall indicate their desire by putting a cross (X) mark opposite their choice. The result of said election shall be certified by the officers thereof to the election commissioners of Hamilton County, Tennessee, within five (5) days after such election is held, and the county election commissioners shall then canvass and declare and certify the result of such election to the board. (Priv. Acts 1949, Ch. 602, § 5)

Sec. 15.23. Bonds to be issued pursuant to resolution; maximum interest on same; maturity dates of same; signatures on bonds; sale of bonds.

The revenue bonds provided for under the provisions of this Act [chapter] may be authorized by resolution or resolutions of the board, which resolution or resolutions may be adopted at the same meeting at which they are introduced, and may be adopted by a majority vote of the members of said board, and shall take effect immediately upon adoption. Such bonds shall bear interest at such rate or rates, not to exceed five per centum (5%) per annum, payable semiannually, may be issued all at one time or from time to time, may be payable at such place or places, may carry such registration privileges, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form (either coupon or registered) as such resolution or subsequent resolutions may provide. Said bonds shall bear such date or dates, may mature at such time or times, not less than three (3) years nor more than thirty (30) years from their respective dates as the board may direct. Said bonds shall not be sold for less than par and accrued interest, and shall be signed by the mayor and countersigned by the city finance officer, and if coupon bonds are issued such coupons may bear the printed or lithographed facsimile signature of the mayor and finance officer. Unless the bonds are sold to a federal agency, the bonds authorized to be issued by the provisions of this Act [chapter] shall be sold at public sale in accordance with the provisions of section

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3707, Code of Tennessee of 1932 [T.C.A. § 6-57-209]. The bonds may be sold at private sale without any public advertisement to any federal agency. The bonds shall be fully negotiable for all purposes, and said bonds and the income therefrom shall be exempt from all state, county and municipal taxation except inheritance, transfer and estate taxes. (Priv. Acts 1949, Ch. 602, § 6; Ord. No. 10742 § 1(1), 8-18-98)

(Paragraph 13b of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388).

Sec. 15.24. Bonds not subject to limitations on indebtedness imposed by other laws.

Bonds may be issued under the provisions of this Act [chapter] notwithstanding and without regard to any limit on indebtedness of the city provided by the provisions of the Charter or other law. (Priv. Acts 1949, Ch. 602, § 7)

Sec. 15.25. Covenants in resolutions authorizing issuance of bonds.

Any resolution authorizing the issuance of revenue bonds under the provisions of this Act [chapter] may contain covenants as to:

(a) The issuance of other additional bonds payable from the revenues of said sewerage system;

(b) The operation and maintenance of such sewerage system;

(c) The insurance to be carried on the sewerage system and the use and disposition of insurance monies;

(d) The terms and conditions upon which the holders of said bonds or any proportion of them or any trustee therefor shall be entitled to the appointment of a receiver by the chancery court of Hamilton County, Tennessee, which court shall have jurisdiction in such proceedings, and which receiver may enter and take possession of said sewerage system, operate and maintain the same, fix, levy and collect fees, rents, tolls or other charges, receive and apply all revenue thereafter arising therefrom, in the same manner as the city itself might do. The provisions of this Act [chapter] and any such resolution or resolutions shall be a contract with the holder or holders of said bonds, and the duties of the city and board under this Act [chapter] and any such resolution or resolutions shall be enforceable by any bondholder by mandamus or other appropriate suit, action or proceeding in any court of competent jurisdiction. (Priv. Acts 1949, Ch. 602, § 8)

Sec. 15.26. Signatures of officers in office at date of signing bonds valid; validity of bonds not dependent on validity, etc., of proceedings relating to acquisition, etc., of sewer system.

Said bonds bearing the signature of officers in office on the date of signing thereof shall be valid and binding obligations, notwithstanding that before the delivery thereof and

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payment therefor any or all the persons whose signatures appear thereon shall have ceased to be officers of the city. The validity of said bonds shall not be dependent on nor affected by the validity or regularity of any proceedings relating to the acquisition, construction, reconstruction, extension or enlargement of the sewer system for which said bonds are issued. The resolution authorizing said bonds may provide that the bonds shall contain a recital that they are issued pursuant to this Act [chapter], which recital shall be conclusive evidence of their validity and of the regularity of their issuance. (Priv. Acts 1949, Ch. 602, § 9)

Sec. 15.27. Bonds of same issue to have prior lien on revenue over later issues; bonds of same issue to be equally secured without priority as to each other.

All bonds of the same issue shall, subject to the prior and superior rights of outstanding bonds, claims or obligations, have a prior and paramount lien on the revenue of the sewerage system over and ahead of all bonds of any issue payable from said revenue which may be subsequently issued, and over and ahead of any claims or obligations of any nature against said revenue subsequently arising or subsequently incurred. All bonds of the same issue shall be equally and ratably secured without priority by reason of number, date of bonds, of sale, of execution or of delivery by a lien on said revenue in accordance with the provisions of this Act [chapter] and the resolution or resolutions authorizing said bonds. (Priv. Acts 1949, Ch. 602, § 10)

Sec. 15.28. Bonds not debt of city; bondholders may not compel use of city's taxing power to pay bonds or interest.

No holder or holders of any bonds issued under this Act [chapter] shall ever have the right to compel any exercise of taxing power of the city to pay said bonds or the interest thereon. Each bond issued under this Act [chapter] shall recite, in substance, that said bond, including interest thereon, is payable from the revenue pledged to the payment thereof, and that said bond does not constitute a debt of the municipality within the meaning of any statutory limitation. (Priv. Acts 1949, Ch. 602, § 11)

Sec. 15.29. City authorized to take certain steps to secure bonds.

In order to secure the payment of the bonds issued pursuant to this Act [chapter] and interest thereon the city shall have power as to such bonds:

(a) To pledge all or any part of the fees, rents, tolls or other charges received or receivable by the city from the operation of the sewerage system to the punctual payment of bonds issued therefor and interest thereon, and to covenant against thereafter pledging any such fees, rents, tolls or other charges to any other bonds or any other obligation of the city for any other purpose.

(b) To provide for the term, forms, registration, exchange and execution of such bonds.

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- (c) To provide for the replacement of lost, destroyed or mutilated bonds.
- (d) To covenant as to the use and disposition of the proceeds from the sale of such bonds.
- (e) To covenant as to the fees, rents or tolls to be charged in connection with the sewerage system for which such bonds are to be issued and as to the use and disposition to be made thereof.
- (f) To covenant to set aside or pay over reserves and sinking funds for such bonds, and as to the disposition thereof.
- (g) To redeem such bonds and to covenant for their redemption, and to provide the terms and conditions, thereof.
- (h) To covenant as to its books of account and as to the inspection and audit thereof, and as to the accounting methods.
- (i) To covenant and prescribe as to what happenings or occurrences shall constitute "events of default," and the terms and conditions upon which any or all of such bonds shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.
- (j) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation.
- (k) To vest in any trustee or trustees the right to receive all or any part of the income pledged and assigned to or for the benefit of the holder or holders of bonds issued hereunder, and to hold, apply and dispose of the same, and the right to enforce any covenant made to secure or pay in relation to bonds; to execute and deliver a trust agreement or trust agreement which may set forth the powers and duties and remedies available to such trustee or trustees, and limiting the liabilities thereof and prescribing what occurrences shall constitute default and prescribing the terms and conditions upon which such trustee or trustees or the holder or holders of bonds of any specified amount or percentage of such bonds may exercise such rights and enforce any and all of such covenants and resort to such remedies as may be appropriate.
- (l) To execute all instruments necessary or convenient in the exercise of the powers herein granted or in the performance of its covenants of duties. (Priv. Acts 1949, Ch. 602, § 12)

Sec. 15.30. Rights of bondholders and trustees.

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Any holder or holders of the bonds, including a trustee or trustees for holders of such bonds shall have the right, in addition to all other rights:

(a) By mandamus or other suit, action or proceeding in any court of competent jurisdiction, to enforce his or their rights against the city and board and any officer, agent or employee of the city, including, but not limited to, the right to require the city and the board to fix and collect fees, rents, tolls or other charges adequate to carry out any agreement as to such fees, rents, tolls or other charges, and to require the city and board to fix and collect fees, rents, tolls or other charges adequate to carry out any agreement as to such fees, rents, tolls or other charges, and to require the city and board and any officer, agent or employee of the city to carry out any other covenants and agreements and to perform its and their duties under this Act [chapter].

(b) By action or suit in equity to enjoin any acts or things which may be unlawful or a violation of the rights of such holder or holders of bonds.

(c) By suit, action or proceeding in the chancery court to require the board to account as if it were the trustee of an express trust. (Priv. Acts 1949, Ch. 602, § 13)

Sec. 15.31. Use of proceeds from sale of bonds.

The proceeds derived from the sale of said bonds shall be used for the purpose of paying all the cost of the city of or incident to the construction by it alone or by it jointly with the City of Rossville, Georgia, or other political subdivision of the State of Tennessee or State of Georgia, including, without being limited to, sewerage treatment and disposal plant or plants, sanitary sewers, storm sewers, combination sewers, the cost of lands, easements, right-of-way and other properties needed in connection with such system, and any and all cost and expense of any and every character in connection with or incident to said sewerage system, which cost shall include, among other things, the payment of any and all indebtedness incurred prior to the issuance of said bonds, including cost of engineering and planning, funds for which have been advanced by the federal works agency of the United States Government, and all engineering, legal and other expenses, and the expense of issuing and selling bonds, and the interest on the outstanding bonds during construction of the sewerage system and for a period of six (6) months after the completion of such construction. (Priv. Acts 1949, Ch. 602, § 14)

Sec. 15.32. Action of board to be by resolution.

Any and all action required or authorized to be taken under this Act [chapter] by the board may be by resolution, which resolution may be adopted at the meeting of the council at which such resolution is introduced, and shall take effect immediately upon adoption. (Priv. Acts 1949, Ch. 602, § 15)

Sec. 15.33. Powers granted by chapter supplementary to other laws.

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Power to issue bonds and construct a sewerage system under the provisions of this Act [chapter] is hereby declared to be supplementary to and not in derogation of the right and power to issue bonds for and to construct a sewerage system under any existing law or laws. (Priv. Acts 1949, Ch. 602, § 16)

Secs. 15.34 -- 15.43. Reserved.

CHAPTER III. REMOVAL, RELOCATION AND INSTALLATION OF UTILITIES IN CONNECTION WITH PUBLIC IMPROVEMENTS

Sec. 15.44. Removal of poles, cables, etc., prior to widening, etc., of streets-City may require companies to do work.

The City of Chattanooga, Tennessee, shall have the power to require the removal, in advance, by public service companies concerned, including the electric power board of Chattanooga, of all telephone, telegraph, light and power poles, towers, cables or lines and all water and gas mains or pipes which may be necessary or advisable in any street widening, straightening, paving, repaving or other street improvement project within said city. (Priv. Acts 1947, Ch. 604, § 2)

Sec. 15.45. Same-City may do work when company fails to do so.

The City of Chattanooga, Tennessee, shall have the power to remove, or have removed, all telephone, telegraph, light and power poles, towers, cables, or lines and all water and gas mains and pipes, at the expense of the public service company concerned (including the electric power board of Chattanooga) in event of the failure or refusal of any public service company, after notice, to remove same, and to assess such public service company (including the electric power board of Chattanooga) for the cost and expense thereof, plus a penalty of ten per cent (10%). (Priv. Acts 1947, Ch. 604, § 4)

Sec. 15.46. Same-Assessment and penalty to constitute lien on property.

Assessment made to cover the cost or expense incurred by the City of Chattanooga, Tennessee, in removing or having removed, telephone, telegraph, light and power poles, towers, cables or lines, water and gas mains or pipes, as provided in section 4 of this Act [15.45. of this compilation], together with the penalty of ten per cent (10%), shall operate as a levy and is hereby declared to be a lien upon any and all property of the public service company concerned located within said city, which lien shall be superior to all other liens, except liens for state, county and city ad valorem taxes and special assessments. (Priv. Acts 1947, Ch. 604, § 6)

Sec. 15.47. Installation of utilities by abutting property owners-City may require work to be done.

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The City of Chattanooga, Tennessee, shall have the power to require all abutting property owners on any street being widened, straightened, paved, repaved or otherwise improved, within said city to make such sewer, water, gas or other utility connections as may be necessary or advisable in advance of construction. (Priv. Acts. 1947, Ch. 604, § 3)

Sec. 15.48. Same-City may do work when owner fails to do so.

The City of Chattanooga, Tennessee, shall have the power to make or have made all sewer, water, gas or other utility connections at the cost and expense of the abutting property owner concerned in the event of the owner's failure or refusal, after notice, to make such connections, and to assess such owner with the cost and expense thereof, plus a penalty of ten per cent (10%). (Priv. Acts 1947, Ch. 604, § 5)

Sec. 15.49. Same-Assessment and penalty to constitute lien on property.

Any assessment made to cover the cost or expense incurred by the City of Chattanooga, Tennessee, in making sewer, gas, water or other utility connections, as provided in section 5 of this Act [15.48 of this compilation], together with the penalty of ten per cent (10%), shall operate as a levy and is hereby declared to be a lien upon that property of the abutting owner concerned where the connection or connections were made, which lien shall be superior to all other liens, except liens for state, county and city ad valorem taxes and special assessments. (Priv. Acts 1947, Ch. 604, § 7)

Sec. 15.50. Certification and collection of assessments.

The assessments authorized in sections 4 and 5 of this Act [15.45 and 15.48 of this compilation] shall be certified and collected in such manner as the city council may, by resolution, provide. (Priv. Acts 1947, Ch. 604, § 8)

(Paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388).

Secs. 15.51 -- 15.60. Reserved.

CHAPTER IV. GAS, WATER, SEWER AND OTHER CONNECTIONS BY CITY

Sec. 15.61. City authorized to make connections at expense of abutting property owners.

Without impairing the powers it already has with respect to requiring property owners to construct and connect sewers, gas, water and other connections, said city shall hereafter have the power to construct and connect sewers, gas, water and other connections at the expense of the abutting property owners in the manner hereinafter provided. (Priv. Acts 1929, Ch. 790, § 2)

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Sec. 15.62. Establishment of sewer districts; bids and estimates as to cost; assessments for costs.

Whenever the city council of the City of Chattanooga deem it necessary to construct a main sewer the said council shall have the power, by resolution, to constitute a sewer district, and have the property abutting upon each side of the street in which said main sewer is constructed connected with said main sewer the connections extending from the main sewer to the line of the property abutting on said street. The said connections may be made by the contractor employed by the city to construct the main sewer. Before said connections are made the mayor shall receive bids and estimates from the contractor making said connections as to the amounts of the cost thereof. The cost of said connections shall be assessed against the abutting property for which the connections are made. When the contract shall be let for the construction of the main sewer and for the connections of the abutting property, the mayor shall proceed to make, subject to the approval of the city council, assessments against the property chargeable under the provisions of this Act [chapter] with the cost of such improvements.

The assessments shall be made for each district separately, and may be in substantially the form as provided in section 9 of Chapter 131 of the Private Acts of 1915, entitled: "An Act to amend the Charter of the City of Chattanooga, and all Acts amendatory thereof," which section 9 of said Act is adopted as a part of this Act [chapter]. (Priv. Acts 1929, Ch. 790, § 3)

Editor's note-Priv. Acts 1915, Ch. 131 is not set out herein. See footnote to Chapter VI of this Title.

(Paragraphs 3, 4 and 13 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388).

Sec. 15.63. Hearing on assessments; interest on same; how assessments paid; bond.

At the time fixed in said notice, or at some time to which the council may then adjourn, the mayor shall submit said assessments, and all parties interested shall be given an opportunity to be heard, and all objections to said assessments considered. If said assessments shall be found to be correct the council shall, by resolution, approve them, and determine the number of installments into which they shall be divided. Said assessments shall bear interest at the rate of six per cent (6%) per annum, payable annually, from the date on which said assessments are approved; provided, that any assessment, or any part thereof may be paid without interest at any time within thirty (30) days from said date. The first installment and interest for one year on all installments shall fall due one year from the date of approval of the assessments by the board, and one installment and interest for one year on all unpaid installments every twelve (12) months thereafter until all have matured; provided, the balance due on any installment may be paid at any time by paying the principal and interest at the rate of six per cent (6%) per annum, up to the date of maturity of the next installment and interest on each remaining installment from that date to the date of maturity at the rate of two per cent (2%) per annum.

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At the same time the city council shall authorize the mayor to issue bonds in the name of the City of Chattanooga, Tennessee, to an amount equal to the aggregate amount of all assessments which shall not be paid within said thirty (30) days. Said bonds shall bear a date not less than thirty (30) days after the date of the approval of the assessments and an amount of them equal to the amount of each installment of the assessments shall mature not less than thirty (30) days after the maturity of such installment. They shall be known as Sewer Bonds of the City of Chattanooga for Sewer District No. ____ and shall bear interest at the rate of six per cent (6%) per annum, payable annually. They shall be in the usual form of municipal coupon bonds, and in addition shall show on their faces that assessments made on the day of _____, 19__, upon property abutting upon Sewer District No. ____ in said city are especially pledged for their payment, but they shall be primary and direct obligations on said city without regard to whether said assessments are collected or not. They shall be signed by the mayor and counter-signed by the city finance officer under the corporate seal of said city. The coupons attached to said bonds may bear the printed or lithographed facsimile signatures of the mayor and city finance officer. When said bonds shall have been authorized the mayor shall advertise for sealed for them, and if they can be sold at or above par he shall sell them. Otherwise, they shall be applied at par to the payment of the contract price for the work, and every contract for work under this Act [chapter] shall reserve the right of the city to pay said contractor for said connections in bonds in the event of a failure on the part of the city to sell the same. The action of the city council shall be by resolution. (Priv. Acts 1929, Ch. 790, § 4)

(Paragraphs 3, 4 and 13b of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388).

Sec. 15.64. Applicability of prior Acts to assessments.

Sections 15, 16, 17, 18, 19, 20 and 24 of Chapter 149 of the Private Acts of the General Assembly of 1907 entitled: "An Act to amend the Charter of the City of Chattanooga and all Acts heretofore passed amendatory thereof," shall apply to assessments made under the provisions of this Act [chapter] in the same manner that they now apply to assessments made for street paving purposes. (Priv. Acts 1929, Ch. 790, § 5)

Editor's note-Priv. Acts 1907, Ch. 149, is not set out in this compilation. See editor's note to Chapter V of this Title.

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Sec. 15.65. City may enforce assessments by suits in circuit or chancery courts of county.

In addition to all other remedies, the City of Chattanooga shall have the right to enforce the collection of any assessment made hereunder or any installment thereof by suit in either the circuit or chancery court of Hamilton County, Tennessee. (Priv. Acts 1929, Ch. 790, § 6)

Secs. 15.66 -- 15.75. Reserved.

CHAPTER V. ABUTTING PROPERTY LAW OF 1907 RELATIVE TO STREETS AND SIDEWALKS²

Secs. 15.76 -- 15.85. Reserved.

CHAPTER VI. SIDEWALK IMPROVEMENT ACT OF 1915³

²**Editor's note**-The abutting property law of 1907, consisting of Priv. Acts 1907, Ch. 149, is not set out in this compilation in order to conserve space and because of its limited interest. Various titles and names of officers and departments in said act are changed by Priv. Acts 1911, Ch. 10, adopting the commission form of government. The 1907 act has been specifically amended, as of Nov. 1, 1967, by the following: Priv. Acts 1909, Ch. 484; Priv. Acts 1915, Ch. 574; Priv. Acts 1917, Ch. 432, __ 3,4; Priv. Acts 1919, Ch. 548; Priv. Acts 1921, Ch. 302; Priv. Acts 1921, Ch. 920.

³**Editor's note**-The sidewalk improvement act of 1915, consisting of Priv. Acts 1915, Ch. 131, is not set out in this compilation in order to conserve space and because of its limited interest. Said act has been amended, as of Nov. 1, 1967, by the following: Priv. Acts 1919, Ch. 548

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Secs. 15.86 -- 15.95. Reserved.

CHAPTER VII. METROPOLITAN IMPROVEMENT ACT OF 1927⁴

Secs. 15.96 -- 15.105. Reserved.

CHAPTER VIII. IMPROVEMENT ACT OF 1931⁵

Secs. 15.106 -- 15.115. Reserved.

⁴**Editor's note**-The metropolitan improvement act of 1927, consisting of Priv. Acts 1927, Ch. 457, is not set out in this compilation in order to conserve space and because of its limited interest. Said act has been amended, as of Nov. 1, 1967, by Priv. Acts 1929, Ch. 482 and Priv. Acts 1929, Ch. 665.

⁵**Editor's note**-The improvement act of 1931, consisting of Priv. Acts 1931, Ch. 727, is not set out in this compilation in order to conserve space and because of its limited interest. Said act has not been amended as of Nov. 1, 1967.